REMARKS

Claims 1-15 and 17-28 are pending in this application. By this amendment, Applicant has amended claim 17.

Reconsideration of the above-identified application in view of the foregoing amendments and the following remarks is respectfully requested.

Rejections Under 35 U.S.C. §§102/103:

Claims 1-4, 6-10, 13-15, 17, 21-23 and 25-28 were rejected under 35 U.S.C. §102(b) as being anticipated by NeXT (NeXT Step 3.3 Copyright (c) 1995 by NeXT Computer Inc.) ("NeXT").

Claims 5 and 24 were rejected under 35 U.S.C. §103(a) as being unpatentable over Next in view of US2002/0191029 to Gillespie et al.

Claims 11 and 12 were rejected under 35 U.S.C. §103(a) as being unpatentable over Next in view of U.S. 5,910,802 to Shields et al.

Claims 1, 14, 17 and 28 are independent.

Applicant's invention, as defined by claim 1, is directed to a device comprising a user interface and a processor configured to:

receive a request for access to a menu from a user;

compile a list of menu options;

determine whether an application associated with a menu option is active or inactive and associate a corresponding status indicator with the menu option; and

display the list of menu options, where the presentation of a particular menu option includes a non-textual indication of the associated status indicator.

The rejection of claim 1 is based on a combination of features of the sub-menu discussed in the "Menus" section on page 4 of NeXT with features of the icons in the application dock described in the "Application Icons" section on page 5 of NeXT. However, these are two distinct aspects of the user interface of NeXT – namely, menus and application icons, and thus, the Examiner's treatment of them as a menu and a list of options for that menu, respectively, as recited in claim 1, is improper. Moreover, neither the sub-menu nor the application dock teach or suggest the subject matter of claim 1 for at least the following reasons:

The sub-menu disclosed on page 4 in the "Menus" section of NeXT is, simply, a list of functions and associated keyboard shortcuts, as shown in the accompanying figure in that section. The sub-menu does not include an indicator of the status of an application and there is no disclosure of a determination of whether an application associated with the sub-menu options is active. Thus, NeXT does not teach or suggest at least the feature of "determine whether an application associated with a menu option is active or inactive and associate a corresponding status indicator with the menu option", as recited in claim 1.

Meanwhile, the application dock and the icons docked therein are always displayed while the user interface is active. The second paragraph in the "Application Icons" section on page 5 of NeXT states that "Docked icons line up along the tight edge of the screen. They stay on-screen even when the applications aren't running." Thus, NeXT does not disclose at least the feature of "receive a request for access to" the application dock, as required by claim 1.

Consequently, a device employing the user interface of NeXT would not anticipate the device of claim 1, regardless of whether the sub-menu or the application dock were considered to constitute the required list of menu options.

Accordingly, Applicant respectfully submits that claim 1 is not anticipated by NeXT. The method of claim 14 and the apparatus of claim 28 include features similar to those found in claim 1, and thus, are allowable for at least the same reasons as set forth above in urging the allowance of claim 1.

Moreover, there is nothing in NeXT that would suggest the inclusion of status indicators in the sub-menu. The first paragraph in the "Menus" section on page 4 of NeXT states that "[a] user should be able to get a good idea of what an application does by looking at its menu commands. As shown below, the application's menu command are grouped into a main menu and its sub-menus." Moreover, the last paragraph in the "Menus" section states that "[t]he main menu and many sub-menus are standard – in almost any application, they should have many of the same commands in the same order." In other words, the menu options presented in the sub-menu are for functions within an application. It would not, therefore, have be obvious to one of ordinary skill in the art at the relevant time to determine the status of applications associated with the sub-menu options and to include in the sub-menu a status indicator to show whether or not the associated application is active, as the sub-menu is a list commands for a single application and, presumably, can be accessed only when that application is already active.

Meanwhile, NeXT presents the continuous display and accessibility of the application dock as being advantageous, as the second paragraph in the "Application Icons" section on page 5 of NeXT states that it "makes it easy to start up commonly used applications". Hence, it would not have been obvious to one of ordinary skill in the art at the relevant time to modify the user interface of NeXT to receive requests for access to the application dock.

Accordingly, there is nothing in NeXT that would have motivated one of ordinary skill in the art to modify the user interface disclosed therein in a manner to arrive at the subject

matter of independent claims 1, 14 and 28. The subject matter of those claims is thus patentable with respect to the user interface of NeXT.

In addition, claim 17, as amended, also is not anticipated by NeXT. NeXT appears to relate only to personal computers, as it refers throughout to the use of a mouse to select menu options, icons, etc. Thus, it does not teach or suggest at least one of a handheld telecommunications device and a personal digital assistant, as required by amended claim 17. Moreover, the icons in the application dock of NeXT are "docked icons" rather than "menu options". Indeed, the menus of NeXT are treated in an entirely different section of NeXT, appropriately titled "Menus", than the application dock, which appears in the section entitled "Application Icons". For each of the foregoing reasons, Applicant respectfully submits amended claim 17 is not anticipated by NeXT. The implementation of the NeXT application dock in a handheld telecommunications device or a personal digital assistant also would not have been obvious to one of ordinary skill in the art at the relevant time.

Dependent Claims:

Applicant does not believe it necessary at this time to address the rejections of the dependent claims as Applicant believes that the foregoing places the independent claims in condition for allowance. Applicant, however, reserves the right to address those rejections in the future should such a response be deemed necessary and appropriate.

CONCLUSION

Applicant respectfully submits that this Application is in condition for allowance for which action is earnestly solicited.

If a telephone conference would facilitate prosecution of this Application in any way, the Examiner is invited to contact the undersigned at the number provided.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required by this response, or credit any overpayment to Deposit Account No. 13-4500, Order No. 4208-4252.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 13-4500, Order No. 4208-4252.

Respectfully submitted,

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Dated: May 21, 2008   By: _____

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